

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

MARIE JOSEPH,	)	Case No.: 1:16-cv-00465-TSB
	)	
Plaintiff,	)	Judge Timothy S. Black
	)	
v.	)	<b>PLAINTIFF'S DESIGNATION</b>
	)	<b>OF EXPERTS</b>
	)	
RONALD JOSEPH, et al.	)	
	)	
Defendants.	)	

Pursuant to the Court's Calendar Order entered March 13, 2017 (Doc. No. 42), Plaintiff Marie Joseph ("Plaintiff"), by and through counsel, hereby makes the following Designation of Experts. Plaintiff designates the individuals listed in her Designation of Experts filed with the Court on December 1, 2016 (Doc. No. 19), which is incorporated herein by reference and attached hereto as Exhibit A. A report from each of Plaintiff's retained experts is being provided to Defendants contemporaneous with the filing of this Designation of Experts. In addition to the information contained in her December 1, 2016 Designation of Experts, Plaintiff also discloses the following information:

(1)     **D. Michael Costello, CPA-ABV**  
          **Elliott Davis**  
          **629 Market Street, Suite 100**  
          **Chattanooga, TN 37402**

D. Michael Costello is a Certified Public Accountant with knowledge and experience in valuing business assets, and was previously designated as an expert by Plaintiff in her December 1, 2016 Designation of Experts. An expert report was provided to Defendant Ronald Joseph's counsel in conjunction with Plaintiff's December 1, 2016 Designation of Experts, and has been provided to all opposing counsel contemporaneous with this filing.

As stated in his November 29, 2017 letter, which is attached hereto as Exhibit B, Mr. Costello would like additional information in order to determine if any updates to his expert report are appropriate. For the reasons stated in that November 29, 2017 letter, Mr. Costello's report will not be updated at this time. Mr. Costello reserves the right to supplement his report if and when new information becomes available for his review.

(2) **Robert L. Hesch, CPA-ABV**  
**1088 Alnetta Dr.**  
**Cincinnati, OH 45230**

Robert L. Hesch is a Certified Public Accountant with knowledge and experience in valuing business assets, and was previously designated as an expert by Plaintiff in her December 1, 2016 Designation of Experts. An expert report was provided to Defendant Ronald Joseph's counsel in conjunction with Plaintiff's December 1, 2016 Designation of Experts, and has been provided to all opposing counsel contemporaneous with this filing.

As stated in his November 30, 2017 letter, which is attached hereto as Exhibit C, Mr. Hesch would like additional information in order to determine if any updates to his expert report are appropriate. For the reasons stated in that November 30, 2017 letter, Mr. Hesch's report will not be updated at this time. Mr. Hesch reserves the right to supplement his report if and when new information becomes available for his review.

### **RESERVATIONS**

1. Plaintiff reserves the right to call any expert witness identified or employed by any other party, whether or not that party is present at trial.

2. Plaintiff reserves the right to supplement and/or revise each and every expert disclosure set forth herein, and/or name additional witnesses, based upon further evaluation of information gathered from the discovery process and/or new information, since investigations are

continuing. Accordingly, the opinions of the various designated experts and the grounds for those opinions should not necessarily be construed to constitute their final opinions.

3. Plaintiff reserves the right to name additional witnesses to address claims or other assertions that may arise.

4. Plaintiff reserves the right to call any witness who may be necessary for impeachment and/or rebuttal testimony.

5. Plaintiff reserves the right to elicit expert testimony on cross-examination of any expert called by any other party to testify at trial, either in person or via deposition.

6. Plaintiff reserves the right to withdraw the designation of any expert and to aver positively that any such previously-designated witness will not be called as a witness at the trial, and to redesignate same as a consulting expert, who cannot be called by opposing counsel.

Respectfully submitted,

/s/ Kevin L. Murphy  
Kevin L. Murphy (#0021810)  
J. Jeffrey Landen (#0018174)  
MURPHY LANDEN JONES PLLC  
2400 Chamber Center Drive, Suite 200  
P.O. Box 17534  
Fort Mitchell, KY 41017-0534  
Telephone: (859) 578-3060  
Fax: (859) 578-3061  
[kmurphy@MLJfirm.com](mailto:kmurphy@MLJfirm.com)  
[jlanden@MLJfirm.com](mailto:jlanden@MLJfirm.com)  
*Counsel for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 30, 2017, I electronically filed Plaintiff's Designation of Experts with the Clerk of the Court using the CM/ECF system, which will send notice to all counsel of record.

/s/ Kevin L. Murphy  
Kevin L. Murphy (#0021810)